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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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11/14/2005

John A. Gelardi

CPG 03-23 MD

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38235 7590 06/16/2008
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EXAMINER

LALLI, MELISSA LYNN

ART UNIT

PAPER NUMBER

3728

MAIL DATE

DELIVERY MODE

06/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

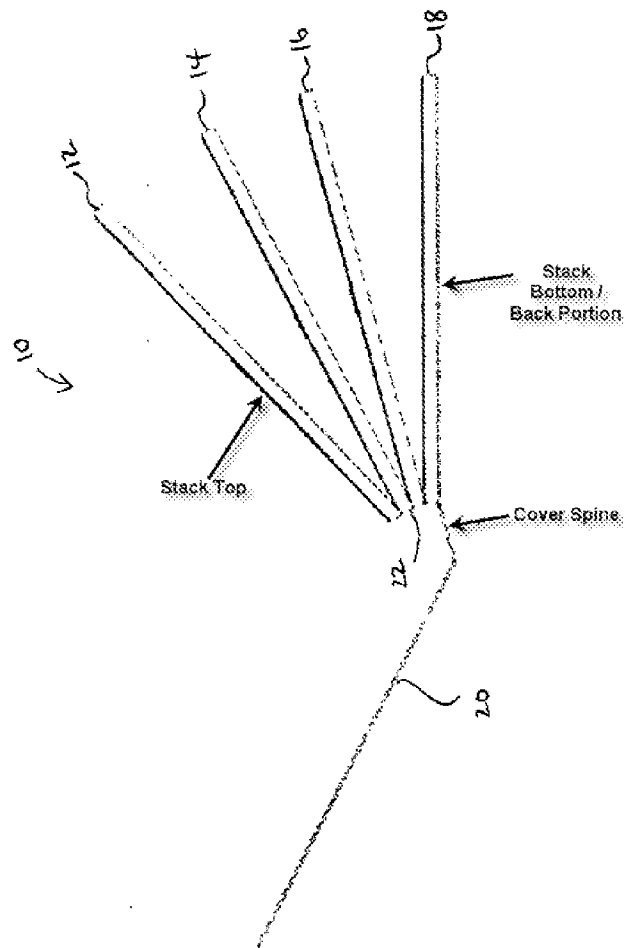
Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-9 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0106814 to Gelardi et al. (Gelardi) in view of German Patent Document DE 20008218 to Petermann GmbH & Co. KG (Petermann).

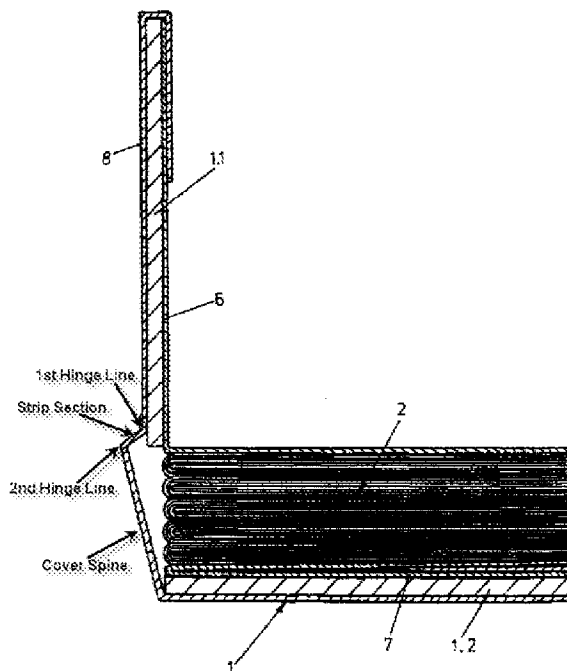
Regarding claims 3, 4, and 7, Gelardi discloses a package (10) for storing discs or articles comprising a stacked array of disc trays (12, 14, 16, 18) joined along a spine (22) and defining a stack top, stack bottom, and a stack height. The disc trays are substantially planar elements. A cover is disclosed having a front portion (20) and a back portion separated by a cover spine having a width equal to the stack height (fig. 5). The back portion is fixedly attached to the stack bottom (fig. 6) and the front portion of the cover can be separated from engagement with the stack when the cover is moved into an open position (see below).



Gelardi does not disclose the back portion of the cover including a strip section that is connected to the cover spine along a first hinge line and connected to the back cover portion along a second hinge line. However, Petermann discloses a similarly binded package (fig. 1) with a front cover portion (1) and a back cover portion (8). The front portion and back portion are separated by a cover spine. The back portion includes a strip section that is connected to the cover spine along a first hinge line and connected to the back portion along a second hinge line (see below). It would have been obvious to one having ordinary skill in the art at the time of the invention to have

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incorporated the strip section of Petermann on the back portion of Gelardi in order to allow a problem-free and unhindered opening in addition to the planar elements lying flat when opened as taught by Petermann.



Regarding claim 5, according to the modification of Gelardi by Petermann as disclosed in claim 3 above, Gelardi discloses the cover as a jacket (22). It would have been obvious to one having ordinary skill in the art at the time of the invention that the jacket could be formed from a single ply substrate as a matter of design choice.

Regarding claim 6, according to the modification of Gelardi by Petermann as disclosed in claim 3 above, Gelardi discloses the back over portion being adhered to the stack bottom (paragraph [0035], lines 7-9).

Regarding method claim 8, all recited structures of the package have been explained above according to the modification of Gelardi by Petermann as discussed in claim 3. The method of making such a package is rendered obvious to one of ordinary skill in the art since all the claimed structures are present in the Gelardi/Petermann package.

Regarding method claim 9, according the rejection of method claim 8 above, Gelardi discloses the back cover section being mounted to the stack bottom (paragraph [0035], lines 7-9). Petermann also discloses elements of the package being bonded together with adhesive. Applying adhesive is obvious to one of ordinary skill in the art as a method of mounting objects together.

Response to Arguments

3. Applicant's arguments with respect to claims 3-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA L. LALLI whose telephone number is (571)270-5056. The examiner can normally be reached on Monday-Friday 7:30 AM-5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mickey Yu/
Supervisory Patent Examiner, Art
Unit 3728

/Melissa L Lalli/
Examiner, Art Unit 3728